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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                    | CONFIRMATION NO. |
|--|-------------|----------------------|--|------------------|
| 09/526,886   | 03/16/2000  | Louis B. Omgba       | 1368-0104P                             | 1456             |
| 7590 12/15/2004<br>Birch Stewart Kolasch & Birch LLP<br>P O Box 747<br>Falls Church, VA 22040-0747 |             |                      | EXAMINER<br>NGUYEN, MADELEINE ANH VINH |                  |
|  |             |                      | ART UNIT<br>2626                       | PAPER NUMBER     |

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/526,886

**Applicant(s)**

OMGBA, LOUIS B.

**Examiner**

Madeleine AV Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to amendment filed on June 29, 2004.

Applicant amends claims 1-3, adds new claims 4-7.

#### ***Response to Arguments***

1. Applicant's arguments, see pages 10-14, filed June 29, 2004, with respect to the specification, drawings and claims 1-3 have been fully considered and are persuasive. The objection of the drawing, the disclosure, claim 3 and the rejection of claims 1-3 have been withdrawn due to amendment and newly added claims 4-7.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabrielsen et al (US Patent No. 6,628,414).

Concerning claim 1, Gabrielsen et al discloses a method (Figs.1, 2) for transmission of a packet of facsimile data between a first facsimile machine (Fax A) and a second facsimile machine (Fax B) via a network (cellular network), wherein the first facsimile machine transmits the facsimile data intended for the second facsimile machine and repeats (retransmits) its

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transmission in the absence of a response within a predetermined period T (TG1). The method comprising the steps of receiving a packet of data transmitted by the first facsimile machine and its moment of transmission (when the TG1 starts), (col. 4, lines 41-45); transmitting the packet of data to the second facsimile machine via the network (col. 4, lines 41-45); receiving a response (DCS/TCF) from the second facsimile machine and the corresponding moment of reception (stops/resets the TG1 timer), (col. 4, lines 51-53); if the reset TG1 is timeout, retransmits the response of the second facsimile machine to the first facsimile machine (col. 5, lines 8-11) and if the TG1 is not timeout, blocking the response since it is already sent to the first facsimile machine (col. 4, lines 59-62), (Fig.3; col. 3, line 63 – col. 5, line 12; col. 7, lines 15-50).

Gabrielsen fails to teach the comparison between the interval of time between the moment of reception and the expiration of the period T with a retransmission threshold (P) in order to retransmit or block the response of the second facsimile machine to the first facsimile machine. However, Gabrielsen teaches the stop/reset and start of the TG1 timer at the adapter FA/IWF station. When it receives the response from the second facsimile machine and when it transmits the response to the first facsimile machine, it resets the TG1 timer again. It is noted that the TG1 time is defined as a round trip delay of a communication between the first facsimile machine and the second facsimile machine. Thus, when the TG1 at the adapter FA/IWF station is timeout (equivalent to the case the interval is greater than the retransmission threshold (P)), it retransmits the response of the second facsimile to the first facsimile machine, otherwise (equivalent to the case when the interval is not greater than the threshold (P)), it blocks the retransmission of the response since the response is on the way to the first facsimile machine. Thus, instead of having a retransmission threshold (P) to compare with, the adapter FA/IFW

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stop/resets the TG1 timer whenever it receives the response from the second facsimile machine or whenever it sends the response to the first facsimile machine. It would have been obvious to one skilled in the art at the time the invention was made to modify the timings of the adapter FA/IFW in Gabrielsen invention, which teaches the same field of endeavor, to the claimed invention since both of the timings result to the same result or although the calculations of the timings are different, but they lead to the same result of retransmitting or blocking the response of the second facsimile machine to the first facsimile machine.

Concerning claim 2, Gabrielsen further teaches that the retransmitted of the facsimile data to the adapter is cancelled (col. 4, lines 54-55; col. 7, line 26).

Concerning claim 3, Gabrielsen further teaches that the adapter transmits the response received from the second facsimile machine to the first facsimile machine when it ignored the retransmission of the facsimile data from the first facsimile machine (col. 4, lines 59-62; col. 7, line 27).

Concerning claims 4-7, Gabrielsen further teaches that the network is a mobile communication network (Fig.1; col. 3, lines 26-32); the adapter FA/IFW is coupled to the first facsimile machine when it receives the facsimile data from the first facsimile machine (Fig.2); the adapter transmits the packet of data received from the first facsimile machine to a handset and transmitting the received packet of data to the second facsimile machine over the network (Fig.1); the network is a GSM network (Cellular network, GSM 03.45 protocol in Fig.1).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ravishankar et al (US Patent No. 6,603,577) discloses a facsimile call success rates without collision detection in long delay environment such as terrestrial cellular, fixed wireless, mobile satellite systems.

b. Berland (US Patent No. 5,509,050) teaches a facsimile radio communication system enables conventional facsimile apparatus to communicate over a conventional two-way voice radio communication system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

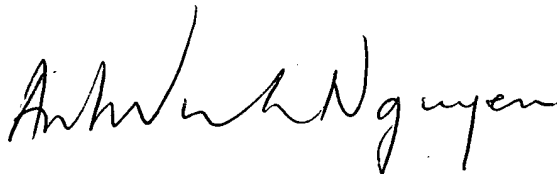
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

December 13, 2004